

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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CLERK US DIST COURT
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EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

Civ. No. 99-1490 (RHK/^{SRN}MM)

v.

CONSENT DECREE

THIEF RIVER FALLS MOTEL CORPORATION,
and NATIONAL LODGING COMPANIES, INC.,

Defendants.

I. Introduction

This action was filed by the Equal Employment Opportunity Commission ("EEOC") on September 30, 1999, pursuant to the Age Discrimination in Employment Act ("ADEA"). The EEOC alleged that defendants, Thief River Falls Motel Corporation and National Lodging Companies (collectively "Defendants") discriminated against Gail Hessing in wages and discharge based upon her age.

The Defendants deny the EEOC's allegations. The EEOC and Defendants have agreed to settle these claims in order to reach a resolution of the lawsuit. There have been no judicial findings or determinations relating to the EEOC's claims, or the defenses to them of the Defendants.

II. Settlement Terms

1. The Defendants agree that they will pay \$15,700 to Hessing in full resolution of all claims made by the EEOC on her behalf. Defendants shall pay Hessing as follows: \$1,000 shall be paid on May 15, 2001, and the balance in the amount of \$14,700 shall be paid over a

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period of 21 months, in the amount of \$700 per month. In the event of a default of any payment, the entire amount shall become immediately due and owing and shall be paid to Hessing after notice of default from Hessing to defendants and a 5-day opportunity to cure. All payments shall be made directly to Hessing's bank account. The defendants shall issue a Form 1099 to Hessing regarding these payments. Neither the EEOC nor the defendants make any representation, nor assume any responsibility, for any tax liability that Hessing may, or may not, incur under local, state, or federal laws by reason of the funds paid under this Consent Decree.

2. The Defendants agree to abide by the ADEA and not to discriminate in pay or discharge based on age. They agree to have annual training sessions for their managers on the ADEA's prohibition against age discrimination. They shall post a copy of the notice attached as Exhibit A in their motels where employee notices are customarily posted regarding the decree.

3. The Defendants agree to abide by the EEOC's regulations on record keeping and document retention.

III. Dismissal of Action

4. All parties request that this Court approve this Consent Decree and, pursuant to F.R.C.P. 41 (a) (2), dismiss this case with prejudice without costs to either party, and with the Court reserving jurisdiction only as necessary to enforce this Consent Decree. This agreement shall remain in full force and effect for three years from the date of its approval of the Court for enforcement proceedings.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Dated: May 11, 2001 By Laurie A. Vasichek
Laurie A. Vasichek, #171438
Senior Trial Attorney

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Attorney for the EEOC

BERNICK AND LIFSON, P.A.

Dated: MAY 17, 2001 By David K. Nightingale
David K. Nightingale, #148088
Jessica L. Roe, #250867

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Minneapolis, Minnesota 55416-1270
(763) 546-1200
(763) 546-1003
Attorneys for the Defendants

It is so ORDERED.

Dated: 5/18/01 Richard H. Kyle
Richard H. Kyle
United States District Judge
District of Minnesota

Exhibit A

NOTICE

This notice is posted pursuant to a Consent Decree entered into by the U. S. Equal Employment Opportunity Commission ("EEOC"), the Thief River Falls Motel Corporation, and National Lodging Companies, Inc., and approved by the United States District Court for the District of Minnesota.

The Consent Decree resolves litigation brought by the EEOC alleging that Thief River Falls Motel Corporation and National Lodging Companies ("defendants") discriminated against a general manager based on age. The defendants deny all allegations of discrimination. Under the decree, defendants agreed to appropriate relief, including agreeing to abide by the ADEA and not to discriminate based upon age. They further agreed to hold annual training sessions for their managers.

The EEOC is the federal agency which administers, interprets, and enforces Age Discrimination in Employment Act ("ADEA"). The statute requires that there be no discrimination against any employee or applicant for employment because of age. The statute further prohibits retaliation against any individual who opposes a practice unlawful under ADEA, or who participates in proceedings under the statute. The local office of the Equal Employment Opportunity Commission is located at 330 2nd Ave. S., Suite 430 Minneapolis, MN 55401, (612) 335-4040. The EEOC's office hours are 8:00 a.m. to 4:30 p.m.